

REMARKS

Applicant responds herein to each of the issues raised in the Final Action. Applicant submits the present amendment to address an objection to Claim 12 raised in the Final Action and to clarify a previously presented argument in light of comments in the Final Action. Applicant submits the present application is in form for allowance for the reasons discussed below.

The Claim Objection:

Claim 12 stands objected to based on "a grammatical mistake or error." Final Action, p. 2. The objected to language has been corrected above as requested by the Examiner. Accordingly, Applicant requests entry of this amendment after final and withdrawal of the objection to Claim 12 as obviated by entry of this amendment.

The Prior Art Rejections:

Claims 1, 3, 5, 8, 11, 14-16, 23-25 and 28-29 stand rejected as anticipated under 35 U.S.C. § 102 in light of United States Patent No. 5,739,730 to Rotzoll ("Rotzoll"). Final Action, p. 2. Claims 1-31 stand rejected as obvious under 35 U.S.C. § 103 in light of United States Patent Application Publication No. 2003/0048145 to Albon *et al.* ("Albon") in view of United States Patent No. 5,648,744 to Prakash *et al.* ("Prakash") and further in view of Rotzoll. Office Action, p. 3. These rejections are unchanged from the previous Office Action. Accordingly, Applicant will only address newly raised issues herein to expedite the Examiner's reconsideration of the rejections. However, to assure that this amendment is considered fully responsive to the Final Action, Applicant's previous amendment is incorporated herein by reference in its entirety.

In the Response to Arguments section, the Final Action characterizes the Applicant's argument that a "varactor is not meant by a capacitor" as not persuasive as no "negative limitation" is "placed in the claims." Final Action, p. 7. Applicant wishes to correct any confusion by noting that Applicant's arguments are not based on asserting that a varactor is not a capacitor, as a varactor is, essentially, a variable capacitor, but on the assertion that a

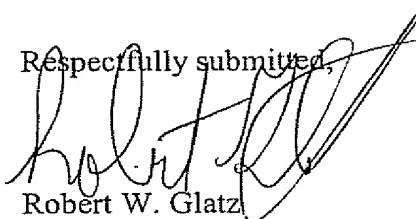
capacitor is not a varactor if it is not variable "responsive to an applied control voltage" as recited, for example, in Claim 1.

The Response to Arguments section further states "applying a voltage to a varactor is well-known so as to fine tune the capacitance of this element." Final Action, p. 7. Again, Applicant does not argue that a varactor responsive to a voltage per se is not known. In fact, Applicants arguments are instead based on the combination of varactors, capacitors, switches and a control voltage as recited in the claims that control an oscillation frequency of a voltage controlled oscillator. The comments in the Response to Arguments section, like the rejections, continue to provide no support for an anticipation rejection as the combination of the recitations of the claims rejected as anticipated by Rotzell are neither inherently or expressly disclosed in Rotzell, regardless of whether it is known to provide a control voltage to a varactor. Furthermore, the Response to Arguments section fails to address the deficiencies in the asserted motivation to combine the references relied on in the obviousness rejections. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections in light of these clarifying comments and Applicant's arguments as presented in the previous amendment, incorporated by reference above.

CONCLUSION

Applicant respectfully submits that, for the reasons discussed above and in the previous amendment, the references cited in the present rejections do not disclose or suggest the present invention as claimed. In addition, Applicant requests entry of this after final amendment as it merely addresses an objection to Claim 12 and either places this case in form for allowance or in better form for appeal without raising any new issues. Accordingly, Applicant respectfully requests entry of this amendment, allowance of all the pending claims and passing this application to issue.

Respectfully submitted,



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CERTIFICATION OF TRANSMISSION
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